

## CHAPTER 67:42:11

### ENVIRONMENTAL HEALTH STANDARDS

#### Section

67:42:11:01	Scope of chapter.
67:42:11:02	Playground area – Group <del>family day care, group care centers, residential treatment centers, day care centers</del> <u>programs</u> , <del>maternity homes, and</del> intensive residential treatment centers.
67:42:11:02.01	Space requirements – Before and after school care.
67:42:11:03	Repealed.
67:42:11:04	<del>Lighting</del> <u>Repealed</u> .
67:42:11:05	Sleeping areas.
67:42:11:06	Toilet facilities.
67:42:11:06.01	Diaper changing.
67:42:11:07	Cleaning and sanitizing of equipment <del>and utensils</del> .
67:42:11:07.01	<del>Manual cleaning and sanitizing</del> <u>Repealed</u> .
67:42:11:07.02	<del>Mechanical cleaning and sanitizing</del> <u>Repealed</u> .
67:42:11:08	Ventilation of cooking areas.
67:42:11:09	Water supply.
67:42:11:10	Electrical outlet covers.
67:42:11:11	Repealed.
67:42:11:12	Heating, ventilating, and cooling systems.
67:42:11:13	<del>Electrical wiring</del> <u>Repealed</u> .
67:42:11:14	Railings.
67:42:11:15	Other hazardous conditions.
67:42:11:15.01	Traffic through food preparation area prohibited.
67:42:11:16	Food supplies.

67:42:11:17	<del>Food protection</del> <u>Repealed.</u>
67:42:11:18	Food storage -- General requirements.
67:42:11:19	<del>Refrigerated storage</del> <u>Repealed.</u>
67:42:11:20	Raw fruits and vegetables.
67:42:11:21	<del>Reheating</del> <u>Repealed.</u>
67:42:11:22	<del>Thawing potentially hazardous foods</del> <u>Repealed.</u>
67:42:11:23	Employee health.
67:42:11:24	Personal cleanliness.
67:42:11:25	Food service practices.
67:42:11:26	<del>Multi-use equipment and utensils</del> <u>Repealed.</u>
67:42:11:27	<del>Single-service articles</del> <u>Repealed.</u>
67:42:11:28	<del>Equipment and utensil handling</del> <u>Repealed.</u>
67:42:11:29	Equipment and utensil storage.
67:42:11:30	<del>Storage and handling of single-service articles</del> <u>Repealed.</u>
67:42:11:31	<del>Sewage</del> <u>Repealed.</u>
67:42:11:32	<del>Plumbing</del> <u>Repealed.</u>
67:42:11:33	Handwashing facilities.
67:42:11:34	Garbage and refuse containers.
67:42:11:35	<del>Garbage and refuse disposal</del> <u>Repealed.</u>
67:42:11:36	Insect and rodent control.
67:42:11:37	Floor construction.
67:42:11:38	Floor carpeting.
67:42:11:39	Walls and ceilings -- Maintenance and construction.
67:42:11:40	Housekeeping.
67:42:11:41	Laundry.
67:42:11:42	<del>Handwashing</del> <u>Repealed.</u>

67:42:11:43      Repealed.

67:42:11:44      Pets.

67:42:11:01. Scope of chapter. The environmental health standards contained in this chapter apply only to chapters ~~67:42:04 --- Group family day care homes;~~ 67:42:07 -- Group care centers; 67:42:08 -- Residential treatment centers; 67:42:10 --- ~~Day~~Licensed day care ~~programs~~centers; ~~67:42:12 --- Maternity homes;~~ 67:42:14 – Before and after school care, and 67:42:15 – Intensive residential treatment center, unless otherwise specifically indicated.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 27 SDR 63, effective December 31, 2000; 32 SDR 33, effective August 31, 2005.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:11:02. Playground area – Group family day care, group care centers, residential treatment centers, day care programscenters, maternity homes, and intensive residential treatment centers. The playground area for ~~group family day care, group care centers, residential treatment centers, day care programscenters, maternity homes,~~ and intensive residential treatment centers must have at least 50 square feet of play area for each child each scheduled recess time. ~~Group family day care and day~~ Day care programscenters must enclose playground areas with a fence. All other facilities must enclose the playground if it is within 25 feet of a high volume traffic area or located near any hazardous area. The fence must be at least four feet high. The playground must be kept free of litter, trash, and weeds.

Swimming pools located on the premises and not emptied after each use must be secured on all sides with a fence that is at least five feet high and constructed to discourage climbing. ~~If a chain-link fence is used, the fence must be constructed of chain link that does not exceed one and three-quarters inches.~~ A wall of the facility or home may not be considered as one side of the fence if that area of the facility or home has access to the pool area. Exits from and entrances to the pool must have self-closing, latching gates that must be latched and locked at all times when children are present.

Playground equipment must be properly installed and maintained in good repair. Sandboxes must be kept free from animal excrement and must permit drainage.

When there are children on the playground, the staff-child ratio required in §§ ~~67:42:04:03,~~ 67:42:07:03, 67:42:08:03, 67:42:10:07, and 67:42:15:14, must be maintained on the playground.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 27 SDR 63, effective December 31, 2000; 31 SDR 40, effective September 29, 2004; 32 SDR 33, effective August 31, 2005.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

Cross-References: ~~Indoor play space, § 67:42:04:16;~~ Physical standards for facility,  
§ 67:42:10:19.

67:42:11:04. Lighting. ~~Surfaces used for reading, painting, crafts, study, and food preparation must have a minimum of 50 footcandles of light. Play areas must have a minimum of 30 footcandles. All other areas must have a minimum of 10 footcandles. Food service areas must have light fixtures which contain shielded or shatterproof bulbs~~Repealed.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 21 SDR 206, effective June 4, 1995.

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~

67:42:11:05. Sleeping areas. ~~Group care centers, residential treatment centers, maternity homes, and intensive residential treatment centers must provide a minimum of 70 square feet of floor space for the first client occupying a sleeping area with an additional 50 square feet for each additional client occupying the same sleeping space.~~

~~—The facility must provide each client with a safe and comfortable bed. If bunkbeds are used, there must be sufficient room to allow the occupants of both bunks to sit up in bed. Clean sheets, pillowcases, and blankets must be provided to each client. Sheets and pillowcases must be changed at least once a week unless greater frequency is indicated. Mattresses used by clients must be covered with material which is impervious to moisture.~~

In day care program~~centers~~ where only short naps or rest periods are scheduled, the facility must provide a minimum of three feet between each child. The child must be provided with or must bring a pad, blanket, or rug for this purpose. For overnight care, the facility must provide a cot or bed for each child in overnight care. A facility~~center~~ must place cribs three feet apart on all sides not positioned against a wall and must change the crib sheets daily and between use by different children. Cribs and mattresses must be maintained in good repair. Stackable cribs may not be used. Soft bedding materials that could pose a suffocation hazard may not be used in cribs or playpens. Infants must be placed on their backs for sleeping.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995; 27 SDR 63, effective December 31, 2000; 31 SDR 40, effective September 29, 2004; 32 SDR 33, effective August 31, 2005.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.



67:42:11:06. Toilet facilities. If a group care center, residential treatment center, or intensive residential treatment center provides care for both male and female clients, it must provide separate toilet facilities for each gendersex. There must be a minimum of one toilet and one hand lavatory for every 12 male clients and a minimum of one toilet and one hand lavatory for every 12 female clients. Showers or bathtubs must be provided at the ratio of one shower or bathtub for every five male clients and one shower or bathtub for every five female clients.

~~—Maternity homes must provide a minimum of one toilet and one hand lavatory for every 12 clients. Showers or bathtubs must be provided at the ratio of one shower or bathtub for every five clients.~~

Day care programscenters, and before and after school care programs, ~~and group family day care~~ must provide a minimum of one toilet and one hand lavatory for every 15 children. The facility must maintain separate bathrooms for each gendersex. A facility serving more than 20 children must have a service sink for cleaning mops or similar wet floor cleaning tools and for disposing of mop water and similar liquid waste. ~~An existing facility shall comply with the hand lavatory and toilet ratio and the service sink requirement by January 1, 2002.~~ Day care programs ~~centers and group family day care homes~~ must either have a permanently plumbed bathtub or a portable bathtub for the bathing of infants and toddlers. Bathtubs must be emptied immediately after each individual use and must be sanitized with a solution of one ounce of household bleach to one quart of water.

There must be toilet training equipment for children being toilet trained but this equipment does not count as toilets in the toilet-child ratio.

Hot and cold water through a mixing faucet must be supplied to all lavatories, showers, or ~~tubs.~~ ~~The hot water temperature must be at least 110 degrees Fahrenheit and may not exceed 130 degrees Fahrenheit.~~

There must be natural or mechanical ventilation in all restrooms.

~~Toilets, showers, bathtubs, and urinals must be designed to be easily cleanable. Toilet rooms and bathing rooms must be completely enclosed and must have tight-fitting solid doors.~~ The interior surfaces of the room must be finished so that the room is easily cleanable and impervious to moisture penetration. Toilet fixtures must be kept clean and in good repair. A supply of toilet tissue must be provided at each toilet at all times. Easily cleanable receptacles must be provided for waste materials. Metal receptacles must be lined with plastic liners. Toilet rooms used by women must have at least one covered waste receptacle.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 27 SDR 63, effective December 31, 2000; 32 SDR 33, effective August 31, 2005.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:11:07. Cleaning and sanitizing of equipment and utensils. Equipment, and utensils, kitchenware, dining tables, and food contact surfaces of equipment must be cleaned and sanitized in the following manner:

~~—(1) Tableware must be cleaned, rinsed, and sanitized after each use as provided in §§ 67:42:11:07.01 or 67:42:11:07.02;~~

~~—(2) Utensils and equipment must be air dried;~~

~~—(3) To prevent cross contamination, kitchenware and food contact surfaces of equipment must be washed, rinsed, and sanitized. Manual sanitation must include immersion in by washing with a solution of one ounce of household bleach to two gallons of water after each use and following any interruption of operations during which contamination might have occurred;.~~ Mechanical sanitation must include a sanitizing cycle in which hot water, not hot air, is used and the water temperature is maintained at 150 degrees Fahrenheit.

Single-service articles may be used only once and must be discarded after use.

~~—(4) Dining tables must be sanitized after each meal and, if used in the meantime, before the next meal by washing with a solution of one ounce of household bleach to two gallons of water;.~~ Food contact surfaces must be free of breaks, open seams, cracks, chips, pits and similar imperfections.

~~—(5) Other surfaces of equipment must be cleaned as often as necessary to keep the equipment free of accumulations of dust, dirt, food particles, and other debris; and~~

~~—(6) Toys capable of being placed in a child's mouth must be washed, rinsed, and sanitized daily by the method described in subdivision (3) of this section or may be washed and rinsed in a mechanical dishwasher.~~

~~As an alternative to subdivisions (3) and (4) of this section, the~~ The facility may use any of the sanitizing solutions contained in § 44:02:07:56. If the provider finds a product that the provider prefers to use instead of bleach, the provider shall submit the product label to the department. The department, in consultation with the Department of Health, shall review the

product and make a determination of whether the product and the provider's established procedures for using the product is an effective and acceptable disinfectant for a child care program.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

~~Cross-References: Equipment and utensil handling, § 67:42:11:28; Equipment and utensil storage, § 67:42:11:29.~~

Editor's Note: The Legislative Research Council substituted "§ 44:02:07:56" for "Appendix A to chapter 44:02:01" in this section. Chapter 44:02:01 was repealed effective May 26, 1997.

67:42:11:07.01. Manual cleaning and sanitizing. ~~Manual washing equipment and procedures~~

~~must meet the following requirements:~~

~~—(1) For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with no fewer than three compartments must be provided and used. Sink compartments must be large enough to accommodate the equipment and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. When care is provided to no more than 20 children in a family home, a two-compartment sink may be used when a portable plastic tub is used for the third compartment;~~

~~—(2) Drainboards or easily movable dish tables large enough to hold soiled utensils before washing and cleaned utensils following sanitizing must be provided and must not interfere with use of the dishwashing facilities;~~

~~—(3) Equipment and utensils must be preflushed or prescraped and, when necessary, presoaked to remove large food particles and soil;~~

~~—(4) The cleaning of utensils in a dishwashing sink must be conducted in the following sequence:~~

~~——(a) Equipment and utensils must be thoroughly washed in the first compartment with a detergent solution that is kept clean and that is between 110 and 120 degrees Fahrenheit;~~

~~——(b) Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment; and~~

~~——(c) Equipment and utensils must be sanitized in the third compartment of the sink by a method approved by the department which is equivalent to immersion in hot water for one-half minute at a temperature of 170 degrees Fahrenheit or immersion for at least one minute in a clean 75 degree Fahrenheit solution containing at least one ounce of household bleach to four gallons of water. As an alternative to this subsection, the facility may use any of the sanitizing solutions contained in § 44:02:07:56~~Repealed.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989.

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~

~~Editor's Note: The Legislative Research Council substituted "§ 44:02:07:56" for "Appendix A to chapter 44:02:01" in this section. Chapter 44:02:01 was repealed effective May 26, 1997.~~

[67:42:11:07.02. Mechanical cleaning and sanitizing.](#) ~~If utensils are mechanically cleaned and sanitized, a commercial dishwasher or a homestyle dishwasher must be used. If a homestyle dishwasher is used, the following requirements must be met:~~

- ~~—(1) The water as it enters the dishwasher must be at least 120 degrees Fahrenheit;~~
- ~~—(2) There must be a sanitizing cycle in which hot water, not hot air, is used and the water temperature during the sanitizing cycle is maintained at 150 degrees Fahrenheit; and~~
- ~~—(3) The cycle must be complete and uninterrupted~~[Repealed](#).

[Source:](#) 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995; 27 SDR 63, effective December 31, 2000.

~~[General Authority:](#) SDCL 26-6-16.~~

~~[Law Implemented:](#) SDCL 26-6-16.~~

67:42:11:09. Water supply. Enough water for the needs of the program must be provided. Water must be derived from a community water system or from a water system that is tested at least annually by the Department of Environment and Natural Resources or a laboratory certified by the Department of Health to conduct such tests. The water must be tested for bacteria and nitrate levels and must be safe for consumption. The provider must maintain written documentation of the test results. ~~A rural water supply must have a sufficient supply to meet the demands of the fire department in the event of a fire.~~

~~The water heater must be capable of providing a continuous supply of 110 degree Fahrenheit water during peak periods of hot water usage.~~

The hot water supply system must be large enough to meet the peak hot water demands of the facility. Hot water to plumbing fixtures normally utilized for the everyday living activities of clients ~~must be at least 110 degrees Fahrenheit and may not exceed 130~~120 degrees Fahrenheit.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 14 SDR 37, effective September 13, 1987; 15 SDR 94, effective January 1, 1989; 27 SDR 63, effective December 31, 2000.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

Cross-References: General rules, ch 74:02:01; Water system operators, art 74:21.



67:42:11:12. Heating, ventilating, and cooling systems. Each facility must have a working heating and cooling system. ~~The temperature in the facility during operating hours must be maintained between 65 degrees Fahrenheit and 75 degrees Fahrenheit during the winter months and between 68 degrees Fahrenheit and 82 degrees Fahrenheit during the summer months.~~

Heating, ventilating, and cooling systems must be inspected at least once a year by a person qualified through experience in heating and ventilation maintenance. Verification of the inspection must be a written statement made by the person making the inspection and must include the date of inspection and the person's signature. This written verification must be kept on file in the facility.

Electric fans, if used, must be guarded to limit the size of the opening in the blade guard to less than one-quarter inch.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

[67:42:11:13. Electrical wiring.](#) ~~Electrical wiring must be installed according to article 20:44~~Repealed.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995.

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~

67:42:11:14. Railings. All floor and wall openings, open-sided stairs, open-sided mezzanine areas, platforms, and decks which are 30 inches or more above the adjacent ground level must be guarded by a railing or barrier ~~that meets the local building code for height or be at least 34 inches high, whichever is greater, and must have intermediate rails or an ornamental pattern such that a sphere four inches in diameter cannot pass through any opening.~~ The railing or barrier shall be constructed to prevent a child from crawling or falling through or becoming entrapped.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:11:16. Food supplies. Food must be free from spoilage, filth, or other contamination and must be safe for human consumption. The use of home-canned foods is prohibited.

Fluid milk and fluid milk products used or served must be pasteurized and must meet Grade A quality standards as defined in SDCL 39-6-1(4). Dry milk and dry milk products must be made from pasteurized milk and milk products and may be used in food preparation but not for drinking.

Only clean whole eggs with shell intact and without cracks, pasteurized liquid, frozen, or dry eggs, or pasteurized egg products may be used, except that hard-boiled, peeled eggs commercially prepared and packaged may be used.

The temperature of potentially hazardous foods as defined in § 44:02:07:18 must be 41 degrees Fahrenheit or below or 140 degrees Fahrenheit or above at all times except as other provided in this chapter. Potentially hazardous foods must be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served.

Frozen foods must be kept frozen and must be stored at a temperature of zero degrees Fahrenheit or below and must be thawed in one of the following ways:

- (1) In refrigerated units at a temperature not exceeding 41 degrees Fahrenheit;
- (2) Under potable running water that is 70 degrees Fahrenheit or below;
- (3) In a microwave oven if the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process;
- (4) In a microwave oven if the entire, uninterrupted cooking process takes place in the microwave oven; or
- (5) As a part of the conventional cooking process.

Food service areas must have light fixtures which contain shielded or shatterproof bulbs.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

[67:42:11:17. Food protection.](#) ~~During storage, preparation, display, serving, or transportation, food must be protected at all times from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or dripping from condensation. The temperature of potentially hazardous foods as defined in § 44:02:07:18 must be 41 degrees Fahrenheit or below or 140 degrees Fahrenheit or above at all times except as otherwise provided in this chapter.~~  
Repealed.

[Source:](#) 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 27 SDR 121, effective May 28, 2001.

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~

67:42:11:18. Food storage -- General requirements. The following are general requirements for food storage:

(1) Food, whether raw or prepared, if removed from the container or package in which it was obtained, must be stored in a clean, covered container except during necessary periods of preparation or service. Container covers must be impervious and nonabsorbent except that linens or napkins may be used for lining or covering bread or roll containers;

(2) Containers of food must be stored a minimum of six inches above the floor in a manner that protects the food from splash and other contamination and that permits easy cleaning of the storage area;

(3) Metal pressurized beverage containers and cased food packaged in cans, glass, or other waterproof containers need not be elevated when the food container is not exposed to floor moisture;

(4) Food and containers of food may not be stored under exposed or unprotected sewer lines or water lines except for automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms or vestibules is prohibited; and

(5) Food not subject to further washing or cooking before serving must be stored in a way that protects it against cross contamination from food requiring washing or cooking; and

~~—(6) Unless its identity is unmistakable, bulk foods such as cooking oil, syrup, salt, sugar, or flour not stored in the product container or package in which it was obtained must be stored in a container identifying the food by its common name.~~

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:11:19. Refrigerated storage. ~~Enough conveniently located refrigeration facilities or effectively insulated facilities must be provided to assure the maintenance of potentially hazardous foods at the required temperature during storage. Each mechanically refrigerated facility storing potentially hazardous foods must be provided with a numerically scaled indicating thermometer accurate to plus or minus three degrees Fahrenheit located to measure the air temperature in the warmest part of the facility and located to be easily readable.~~  
~~Frozen foods must be kept frozen and must be stored at a temperature of zero degrees Fahrenheit or below~~Repealed.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~

~~Cross-Reference: Definition of potentially hazardous foods, § 44:02:07:18.~~

~~Editor's Note: The Legislative Research Council substituted "§ 44:02:07:18" for "44:02:01:28" in this section. Section 44:02:01:28 was repealed effective May 26, 1997.~~



67:42:11:21. Reheating. ~~Potentially hazardous foods that have been cooked and then refrigerated must be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served. Warmers and similar hot food holding facilities may not be used for the rapid reheating of potentially hazardous foods~~Repealed.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~

67:42:11:22. Thawing potentially hazardous foods. ~~Potentially hazardous foods must be~~

~~thawed in one of the following ways:~~

- ~~—(1) In refrigerated units at a temperature not exceeding 41 degrees Fahrenheit;~~
- ~~—(2) Under potable running water that is 70 degrees Fahrenheit or below;~~
- ~~—(3) In a microwave oven if the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process;~~
- ~~—(4) In a microwave oven if the entire, uninterrupted cooking process takes place in the microwave oven; or~~
- ~~—(5) As a part of the conventional cooking process~~Repealed.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 31 SDR 40, effective September 29, 2004.

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~

67:42:11:26. Multi-use equipment and utensils. ~~Equipment and utensils intended to be used~~

~~more than once must meet the following requirements:~~

- ~~—(1) They must be constructed, finished, and repaired with nontoxic materials;~~
- ~~—(2) They must be corrosion resistant, nonabsorbent, smooth, easily cleanable, and durable under conditions of normal use;~~
- ~~—(3) They may not impart odors, color, or taste or contribute to the contamination of food;~~
- ~~—(4) They must be resistant to denting, buckling, pitting, chipping, and cracking;~~
- ~~—(5) Food contact surfaces must be free of breaks, open seams, cracks, chips, pits, and similar imperfections and free of difficult-to-clean internal corners and crevices; and~~
- ~~—(6) Sinks and drainboards must be self-draining~~Repealed.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

~~—General Authority: SDCL 26-6-16.~~

~~—Law Implemented: SDCL 26-6-16.~~

[67:42:11:27. Single-service articles.](#) ~~Articles intended to be used only once must be made from clean, sanitary, and nontoxic materials and may not impart odors, color, or taste or contribute to the contamination of food. Single-service articles may be used only once and must be discarded after use~~Repealed.

[Source:](#) 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

~~—General Authority: SDCL 26-6-16.~~

~~—Law Implemented: SDCL 26-6-16.~~

[67:42:11:28. Equipment and utensil handling.](#) ~~Cleaned and sanitized equipment and utensils must be handled in a way that protects them from contamination. Spoons, knives, and forks must be touched only by their handles. Cups, glasses, bowls, plates, and similar items must be handled without contact with inside surfaces or surfaces that contact the user's mouth.~~Repealed.

[Source:](#) 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~

~~Cross-Reference: Cleaning and sanitizing of equipment and utensils, § 67:42:11:07.~~

67:42:11:30. Storage and handling of single-service articles. ~~Single-service articles must be stored and handled as follows:~~

- ~~—(1) Single-service articles must be stored at least six inches above the floor in closed cartons or containers which protect them from contamination;~~
- ~~—(2) Single-service articles must be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user;~~
- ~~—(3) Single-service knives, forks, and spoons packaged in bulk must be inserted into holders or be wrapped by a person whose hands were washed immediately prior to sorting or wrapping the utensils; and~~
- ~~—(4) All single-service articles must be discarded after use~~Repealed.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

~~—General Authority: SDCL 26-6-16.~~

~~—Law Implemented: SDCL 26-6-16.~~

67:42:11:31. Sewage. ~~All sewage, including liquid waste, must be disposed of by a public sewage system or a sewage disposal system constructed and operated according to chapter 74:53:01~~Repealed.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~

~~Editor's Note: The Legislative Research Council substituted "chapter 74:53:01" for "chapter 74:03:01" in this section. Chapter 74:03:01 was transferred to 74:53:01 effective July 1, 1996.~~

[67:42:11:32. Plumbing.](#) ~~Plumbing must be sized, installed, and maintained according to article 20:54. There may be no cross-connections between the potable water supply and any nonpotable or questionable water supply nor may there be any source of pollution through which the potable water supply might become contaminated. Plumbing must meet the following requirements:~~

- ~~—(1) The potable water system must be installed to preclude the possibility of back flow;~~
- ~~—(2) If used, grease traps must be located to be easily accessible for cleaning;~~
- ~~—(3) If used, garbage grinders must be installed and maintained according to the manufacturer's instructions; and~~
- ~~—(4) Except for properly trapped open sinks, there may be no direct connection between the sewage system and any drains originating from equipment in which food, portable equipment, or utensils are placed~~[Repealed](#).

[Source:](#) 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

~~[General Authority:](#) SDCL 26-6-16.~~

~~[Law Implemented:](#) SDCL 26-6-16.~~



67:42:11:33. Handwashing facilities. Staff members must wash their hands after using the restroom, after changing a diaper, after working with soiled clothing or bedding, and before handling food.

Day care programs must ensure that a child's hands are washed before and after meals and after the child has used the bathroom.

Handwashing facilities must be located to permit convenient use by both employees and clients and must meet the following requirements:

- (1) At least one handwashing facility must be provided in the food preparation area or directly adjacent to the food preparation area;
- (2) Handwashing facilities must be located in all toilet rooms;
- (3) Handwashing facilities must be located near any diaper changing area;
- (4) A supply of hand cleansing soap or detergent must be available at each handwashing facility; and
- (5) A supply of single-use towels must be available at each handwashing facility.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:11:34. Garbage and refuse containers. ~~Garbage and refuse containers must meet the~~

~~following requirements:~~

- ~~—(1) If metal containers are used, plastic liners must also be used;~~
- ~~—(2) Garbage and refuse must be kept in durable, easily cleanable, insectproof, and rodentproof containers that do not leak and do not absorb liquids;~~
- ~~—(3) Containers stored outside the establishment and dumpsters, compactors, and compactor systems must be easily cleanable; must be provided with tight-fitting lids, doors, or covers; and must be kept covered when not in actual use;~~
- ~~—(4) There must be a sufficient number of containers to hold all the garbage and refuse that accumulates;~~
- ~~—(5) Garbage or refuse storage rooms, if used, must be constructed of nonabsorbent, washable materials; must be kept clean; must be insectproof and rodentproof; and must be large enough to store the garbage and refuse containers that accumulate;~~
- ~~—(6) Outside storage areas or enclosures must be large enough to store the garbage and refuse containers that accumulate and must be kept clean. Garbage and refuse containers and dumpster and compactor systems located outside must be stored on or above a smooth surface of nonabsorbent material such as concrete or asphalt that is kept clean and maintained in good repair; and~~
- ~~—(7) Garbage and refuse on the premises must be stored in a manner and disposed of often enough to make them inaccessible to animals and insects. Outside storage of unprotected plastic bags is prohibited. Cardboard or other packaging material not containing garbage or food waste need not be stored in covered containers.~~

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 27 SDR 63, effective December 31, 2000.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:11:35. Garbage and refuse disposal. ~~Garbage and refuse must be disposed of often enough to prevent the development of odor and the attraction of insects and rodents. If garbage or refuse is burned on the premises, it must be done by a controlled incineration that prevents the escape of particulate matter according to § 74:36:06:04. Areas around incineration facilities must be kept clean and orderly.~~Repealed.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~

~~Editor's Note: The Legislative Research Council substituted "74:36:06:04" for "74:26:06:01" in this section to conform to recodification of rules for air pollution control.~~

67:42:11:39. Walls and ceilings -- Maintenance and construction. Walls and ceilings, including doors, windows, skylights, and similar closures, must be maintained in good repair. The walls, including nonsupporting partitions, wall coverings, and ceilings of walk-in refrigeration units, food preparation areas, equipment washing and utensil washing areas, toilet and bathing rooms, and vestibules, must be ~~light colored, smooth, nonabsorbent, and easily cleanable.~~ Concrete or pumice blocks used for interior wall construction in these locations must be finished and sealed to provide an easily cleanable surface. Wall construction in living areas such as bedrooms, lounges, and living rooms need not be of nonabsorbent or smooth construction but must be amenable to easy cleaning and must be maintained in good repair.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

[67:42:11:42. Handwashing.](#) ~~Staff members must wash their hands after using the restroom, after changing a diaper, after working with soiled clothing or bedding, and before handling food.~~  
~~Day care centers and group family day care homes must ensure that a child's hands are washed before and after meals and after the child has used the bathroom.~~[Repealed.](#)

[Source:](#) 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995.

~~[General Authority:](#) SDCL 26-6-16.~~

~~[Law Implemented:](#) SDCL 26-6-16.~~